

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE COMMISSION )

Petitioner, )

v. )

No. 16-3377RE

JUAN CAYETANO ANTE )

Respondent. )

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

On or about November 2, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Juan Cayetano Ante*, No. 16-3377RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Juan Cayetano Ante's real estate inactive salesperson license (license no. 2012019214) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(1), RSMo.<sup>1</sup>

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on February 1, 2017, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission were present throughout

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Ross Keeling. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

**FINDINGS OF FACT**

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Juan Cayetano Ante*, Case No. 16-3377RE, issued November 2, 2016, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Juan Cayetano Ante as a real estate inactive salesperson, license number 2012019214. Respondent's inactive salesperson license

was not current at all times relevant to this proceeding. On September 30, 2016 Respondent's inactive salesperson license expired.

## II.

### CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated November 2, 2016, in *Missouri Real Estate Commission v. Juan Cayetano Ante*, Case No. 16-3377RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated November 2, 2016, Respondent's real estate inactive salesperson license, number 2012019214, is subject to disciplinary action by the Commission pursuant to § 339.100.2(1), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

## III.


### ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate inactive salesperson license of Juan Cayetano Ante (license no. 2012019214) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 3<sup>rd</sup> DAY OF February, 2017.

MISSOURI REAL ESTATE COMMISSION

  
Terry W. Moore, Executive Director

Before the  
Administrative Hearing Commission  
State of Missouri



REAL ESTATE COMMISSION  
Petitioner,

v.

JUAN CAYETANO ANTE  
Respondent,

No. 16-3377

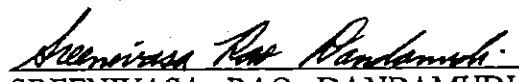
**DEFAULT DECISION**

On August 17, 2016, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on August 28, 2016.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on November 2, 2016.

  
SREENIVASA RAO DANDAMUDI  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

AUG 17 2016

Missouri Real Estate Commission  
3605 Missouri Boulevard  
P.O. Box 1339  
Jefferson City, MO 65102-1339  
(573)751-2628

Petitioner,

v.

Juan Cayetano Ante  
7212 Sweetcider Lane  
O'Fallon, MO 63368  
(314) 313-5826

Respondent.

ADMINISTRATIVE HEARING  
COMMISSION

Case #: \_\_\_\_\_

**COMPLAINT**

Petitioner, Missouri Real Estate Commission, by and through the Attorney General of the State of Missouri, and for its cause of action against Respondent, Juan Cayetano Ante, states the following:

1. The Missouri Real Estate Commission ("MREC") is an agency of the State of Missouri, created and established pursuant to Section 339.010 through 339.205 and 339.710 through 339.855, RSMo,<sup>1</sup> for the purpose of executing and enforcing the provisions of Chapter 339, RSMo, Real Estate Agents, Brokers, and Escrow Agents.

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<sup>1</sup> All statutory citations are to the Revised Statutes of Missouri, as amended, unless otherwise noted.

2. Respondent, Juan Cayetano Ante (Ante), is an adult individual whose registered address is 7212 Sweetcider Lane O'Fallon, MO 63368, and who holds a Missouri license as Real Estate Salesperson, License No. 2012019214, which is inactive.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Sections 621.045, RSMo, and 339.010 through 339.205 and 339.710 through 339.855, RSMo.

### **Applicable Laws**

4. Section 339.040.1, RSMo, states in part:

339.040. 1. Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:

(1) Are persons of good moral character ...

5. Section 339.100.2, RSMo, states in part:

The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

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(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

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(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state ... for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is ... an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed ...

6. On November 18, 2013, a criminal complaint was filed in the Circuit Court for St. Charles County, Missouri, alleging that Ante had committed the crimes of Domestic Violence in the Second Degree, in violation of 565.073, RSMo, and Violation of a Protection Order, in violation of Sections 455.010, 455.050, and 455.085, RSMo.

7. The charges were based on an incident that occurred November 17, 2013, in which Ante, who was at the time under a protective order forbidding him from abusing his wife, struck and strangled his wife.

8. The matter was docketed to No. 1311-CR06711-01.

9. On September 29, 2014, Ante pleaded guilty to one count each of Domestic Abuse in the Second Degree and Violation of a Protection Order.



10. On September 29, 2014, Ante was sentenced to one to four years incarceration, with suspended imposition of sentence, and five years probation with no unlawful contact with the victim.

11. On January 25, 2015, Ante's probation was revoked and he was sentenced to incarceration, with suspended imposition of sentence and a new five-year interval of probation.

12. A second motion to revoke Ante's probation was filed June 10, 2016, and is scheduled for hearing on September 19, 2016.

13. Both Domestic Assault in the Second Degree and Violation of a Protection Order are crimes reasonably related to the qualifications, functions or duties of a Real Estate Salesperson.

14. Both Domestic Assault in the Second Degree and Violation of a Protection Order are crimes of which violence is an element.

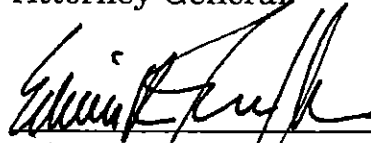
15. Both Domestic Assault in the Second Degree and Violation of a Protection Order are crimes which reflect a lack of good moral character, which would be cause for the MREC to deny a license under the terms of Section 339.040.1(1), RSMo.

WHEREFORE, Petitioner prays this Administrative Hearing Commission to conduct a hearing in this case pursuant to sections 621.015 to 621.205, RSMo, and thereafter issue its findings of fact and conclusions of law

that the Petitioner may discipline Respondent Juan Cayetano Ante's Real Estate Salesperson license under the relevant provisions of Chapter 339, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

CHRIS KOSTER  
Attorney General

A handwritten signature in black ink, appearing to read 'Edwin R. Frownfelter', is written over a horizontal line.

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